

**Section-by-Section**  
**H.R. XXXX, the EPA Science Advisory Board Reform Act of 2013**

**SEC. 1. SHORT TITLE**

This section sets the short title as the *EPA Science Advisory Board Reform Act of 2013*.

**SEC.2. SCIENCE ADVISORY BOARD**

Subsection (a) MEMBERSHIP amends section 8(b) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (ERDDAA) to include the following:

(b) (1) Requires the Science Advisory Board be composed of at least nine members, with one designated as Chairman, and that these members meet at a times and places designated by the Chairman and Administrator.

(2) Requires that each member of the Board is qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board. The Administrator is required to select Board members from nominations received, and shall ensure: (A) the scientific and technical points of view represented on the Board, as well as the function to be performed, be fairly balanced among the Board members; (B) at least ten percent of Board membership are from State, local, or tribal governments; (C) persons with substantial and relevant expertise are not excluded from the Board due to affiliation with or representation of entities that might have a potential interest in the Board's advisory activities, as long as this interest is fully disclosed to the Administrator and the public; (D) in the case of a Board advisory activity on a particular matter involving a specific party, no Board member that has an interest in that party shall participate in that activity; (E) Board members may not participate in advisory activities that involve review or application of their own work; and (F) Board members shall be designated as special Government employees.

(3) The Administrator is required to: (A) solicit public comments for the Board by publishing a notification in the Federal Register; (B) solicit nominations from relevant Federal Agencies; (C) make the list of nominees, as well as the entity that nominated them, public, and accept public comments on the nominees; (D) require that upon nomination, nominees file a written report disclosing financial relationships and interests, including EPA grants, contracts, cooperative agreements, and other financial assistance relevant to the Board's advisory activities for the three year period prior to nomination, as well as relevant professional activities and public statements for the five year period prior to nomination; and (E) these reports are made public for each member of the Board upon their selection, excepting specific dollar amounts.

(4) The terms of the members of the Board shall be three years and staggered to ensure that no more than one-third of total membership shall expire within a single year, and members are limited to two terms over a ten-year period.

Subsection (b) RECORD amends Section 8(c) of ERDDAA in the following ways:

In paragraph 1: (A) by inserting "risk or hazard assessment" after "at the time any proposed"; and (B) by inserting "risk or hazard assessment" after "to the Board such proposed".

In paragraph 2: (A) by inserting "risk or hazard assessment" after "the scientific and technical basis of the proposed"; and (B) by adding at the end "The Board's advice and comments, including dissenting views of Board members, and the response of the Administrator shall be included in the

record with respect to any proposed risk or hazard assessment, criteria document, standard, limitation, or regulation and published in the Federal Register.”

Subsection (c) MEMBER COMMITTEES AND INVESTIGATIVE PANELS amends section 8(e) of ERDDAA by adding requirements that the member committees and investigative panels: (1) be constituted and operate in accordance with other provisions of this Act; (2) do not have authority to make decisions on behalf of the Board; and (3) may not report directly to the Environmental Protection Agency.

Subsection (d) PUBLIC PARTICIPATION amends ERDDAA by adding subsection (h). Subsection (h): (1) requires the Administrator and the Board to make public all reports and relevant scientific information and provide materials to the public at the same time they are received by the Board. (2) Requires the Board to hold a public information-gathering session to discuss the state of the science relative to the advisory activity prior to conducting major advisory activities. (3) Requires the Administrator to accept, consider, and address public comments on questions to be asked of the board prior to convening a member committee or panel, and The Board, member committee, or panels shall accept, consider, and address these public comments. The Board cannot accept a question that unduly narrows the scope of an advisory activity. (4) Requires the Administrator and the Board to encourage public comments, and the public comments must be provided to the Board when received. The Board is also required to respond in writing to significant public comments. (5) Provides the public with 15 calendar days after Board meetings to provide additional comments for consideration.

Subsection (e) OPERATIONS amends ERDDAA by adding subsection (i) which requires: (1) the Board strive to avoid making policy determinations or recommendations, and explicitly distinguish between scientific determinations and policy advice. (2) The Board clearly communicates uncertainties associated with scientific advice provided to the Administrator. (3) The Board ensures that advice and comments reflect the views of the members and encourage dissenting members to make their views known to the public and Administrator. (4) The Board conducts periodic reviews to ensure its advisory activities are addressing the most important scientific issues facing the EPA.